Competency to Stand Trial (CST) in the United States and the Competency Crisis
- Dusky v United States (1960)
- Evaluation and Restoration
- 19,000 to potentially 94,000 evaluations per year
- Unconstitutional Delays
- Lawsuits Against Several States
- Suspected Causes of the Competency Crisis

Competency in Washington State
- Changes to Washington’s Population
  - Population Growth
  - Increase in Crime Rates
  - Homelessness
  - Criminalization of Homelessness
  - Scarcity of Mental Health Resources
- COVID-19
  - March 13th, 2020 Court Closures
  - Trueblood vs. DSHS (2015) and SB 5444 (2019)
  - Increased Hiring Efforts
  - Multi-Year Phasing Plan by County
  - $22,159,000 over the course of six years
- Diversion Programs/Programs Aimed at Reducing Referral Rates
  - Prosecutorial and Police Level
  - Increased Mental Health Training of Key Stakeholders
  - Increased Resources for Homeless Individuals

Hypotheses

H1: Increasing crime rates and homeless populations have contributed to increased competency referral rates in WA.

H2: Misdemeanor competency referrals have decreased since the enactment of SB5444.

H3: The COVID-19 pandemic has disrupted the amount of competency referrals.

Method and Analyses
- Archival CST Data from January 2017 – February 2022 Published by Washington State DSHS
  - https://www.dshs.wa.gov/bha/court-monitor-reports
- General Linear Mixed Effect Model
  - CST Referral Rate Divided by County Population
  - Determine Significance of Effect of Crime Rates and Homelessness on CST Referral Rates
  - Add Significant Factors and SB5444 time points or COVID-19 time points

Results

H1: 71% of variance in CST referrals were attributed to homelessness and crime rates,
Only homelessness had a meaningful effect size, but this was not the case when accounting for SB5444 and COVID-19

H2: SB5444 decreased misdemeanor referrals, but misdemeanor referrals did not significantly decrease the total number of referrals (reduced average CST referral rate by .35)
Projections of referrals is still expected to increase (although this increase is slowing)

H3: The onset of COVID-19 did reduce the number of referrals in 2020 (CST referral rate decreased .21)
While CST referral rates were decreasing, the model predicted CST referral rate would eventually increase

Implications and Future Directions
- Washington State Programs Influenced by Referral Rate
- Competency Crisis Continues
- Continuing to Monitor Lawsuits
- Competency in Indiana

References
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2. Gowensmith (2019)
5. U.S. Department of Housing and Urban Development (2020)
6. Olson, MacDonald, & Rankin (2015)
9. Washington State Department of Social and Health Services (2022)

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